



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 289

AS ENACTED

TUESDAY, APRIL 11, 2006

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to computer-assisted hunting and wildlife harvesting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO
READ AS FOLLOWS:

(1) For purposes of this section, "computer-assisted remote hunting" means the use of a computer or any other device, equipment, or software to remotely control the aiming and discharge of a rifle, shotgun, handgun, bow and arrow, cross-bow, or any other implement to hunt or harvest wildlife in the Commonwealth.

(2) It shall be unlawful for any person to hunt or harvest wildlife in the Commonwealth by means of computer-assisted remote hunting.

(3) It shall be unlawful for any person to provide or operate a facility that allows others to engage in computer-assisted remote hunting of wildlife in the Commonwealth.

(4) The provisions of this section shall not be construed to limit or prohibit the hunting rights or privileges provided to citizens with disabilities pursuant to KRS 150.025, the Americans with Disabilities Act, and Kentucky administrative regulations. Additionally, this section shall not be construed to prohibit a person who is physically impaired, to the degree that he or she cannot operate a device allowed for taking of game under Kentucky law, from taking game, subject to administrative regulations, with a device which is in the immediate vicinity of the permittee and which the permittee operates using remote-control technology other than the Internet.

Section 2. KRS 150.990 is amended to read as follows:

- (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each device used or possessed contrary to the provisions of this chapter or any administrative regulation promulgated by the commission thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for

1 each offense.

2 (2) Any person who violates any of the provisions of this chapter or any administrative
3 regulations promulgated by the commission thereunder may, in addition to the
4 penalties provided in subsections (3), (4), (5), (6), (7), and (8) of this section, forfeit
5 his license, or if that person is license exempt, may forfeit the privilege to perform
6 the acts authorized by the license and shall not be permitted to purchase another
7 license or exercise the privileges granted by a license during the same license year.
8 No fines, penalty, or judgment assessed or rendered under this chapter shall be
9 suspended, reduced, or remitted otherwise than expressly provided by law. Any
10 person who violates any administrative regulation which has been or may be
11 promulgated by the commission under any provisions of this chapter shall be
12 subject to the same penalty as is provided for the violation of any provisions of this
13 chapter under which the administrative regulation is promulgated.

14 (3) Any person who violates any of the provisions of KRS 150.120, 150.170, 150.280,
15 150.320, 150.355, 150.362, 150.400, 150.410, 150.415, 150.416, 150.445, 150.450,
16 150.470, 150.603, 150.235(1), 150.330(2), or 150.470, or any of the provisions of
17 this chapter or any administrative regulation promulgated by the commission for
18 which no definite fine or imprisonment is fixed shall be fined not less than twenty-
19 five dollars (\$25) nor more than two hundred dollars (\$200).

20 (4) Any person who violates any of the provisions of KRS 150.290, 150.300, 150.340,
21 150.360, 150.362(1), 150.485, 150.600, 150.630, 150.660, the provisions of KRS
22 150.195(5) to (8), or KRS 150.660(3) shall be fined not less than twenty-five dollars
23 (\$25) nor more than two hundred dollars (\$200) or be imprisoned for not more than
24 six (6) months, or both. Also, any person violating the provisions of KRS 150.300
25 shall be assessed treble damages as provided in KRS 150.690 or 150.700. Damages
26 assessed under this subsection shall be ordered to be paid directly to the department.
27 The court shall not direct that the damages be paid through the circuit clerk.

- 1 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
2 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
3 hundred dollars (\$500).
- 4 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
5 150.370, 150.330(1),~~[-or]~~ 150.235(2), (3), or (4), or Section 1 of this Act shall be
6 fined not less than one hundred dollars (\$100) nor more than five hundred dollars
7 (\$500) or imprisoned for not more than six (6) months, or both.
- 8 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not
9 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
10 imprisoned for not more than six (6) months, or both, and in addition to these
11 penalties shall be liable to the department in an amount not to exceed the
12 replacement value of the fish and wildlife which has been killed or destroyed. Costs
13 assessed for the restoration of wildlife under this subsection shall be ordered to be
14 paid directly to the department. The court shall not direct that the costs be paid
15 through the circuit clerk.
- 16 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
17 administrative regulations issued thereunder shall for the first offense be fined not
18 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);
19 and shall for a second offense be fined not less than five hundred dollars (\$500) nor
20 more than one thousand five hundred dollars (\$1,500); and for any subsequent
21 offense, be fined two thousand dollars (\$2,000).
- 22 (9) Any person who violates the provisions of KRS 150.520 or administrative
23 regulations issued thereunder shall, if the violation relates to methods of taking
24 mussels, for a first offense be imprisoned in the county jail for no more than thirty
25 (30) days; for a second offense be imprisoned in the county jail for no more than six
26 (6) months; and for any subsequent offense be imprisoned in the county jail for no
27 more than one (1) year. The penalties for violation of this subsection shall be in

1 addition to the penalties for violation of subsection (8).

2 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or
3 subsections (2) or (3) of KRS 150.450 shall be fined not less than one hundred
4 dollars (\$100) nor more than one thousand dollars (\$1,000).

5 (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4)
6 shall be fined not less than one hundred dollars (\$100) nor more than one thousand
7 dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one
8 (1) year, or both. In addition to the penalties prescribed above, he shall forfeit his
9 license or, if license exempt, the privilege to perform the acts authorized by the
10 license for a period of one (1) to three (3) years and shall be liable to the department
11 in an amount reasonably necessary to replace any deer, wild turkey, or bear taken in
12 violation of KRS 150.390 and for violations of subsection (4) of KRS 150.092 shall
13 be liable to the landowner or occupant for reasonable compensation for damages.
14 Wildlife replacement costs assessed under this subsection shall be ordered to be
15 paid directly to the department. The court shall not direct that the damages be paid
16 through the circuit clerk. Damages assessed under this subsection shall be ordered
17 to be paid directly to the landowner or occupant. The court shall not direct that the
18 damages be paid through the circuit clerk. Any person who possesses, takes, or
19 molests a wild elk in violation of KRS 150.390 or administrative regulations
20 adopted under authority of that section shall be fined not less than one thousand
21 dollars (\$1,000) nor more than five thousand dollars (\$5,000) or imprisoned for up
22 to six (6) months, or both. In addition to these penalties, the person shall pay to the
23 department an amount not to exceed the greater of the replacement cost of the wild
24 elk or double any monetary gain realized from the illegal activity and shall forfeit
25 his or her license, or if license exempt, the privilege to perform the acts authorized
26 by the license for a period of one (1) to three (3) years.

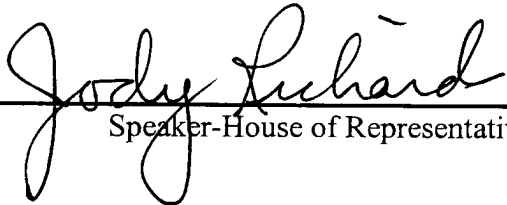
27 (12) Any person who violates any of the provisions of KRS 150.090 other than a

1 criminal homicide or an assault against an officer enforcing the provisions of this
2 chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall
3 be guilty of a Class A misdemeanor.

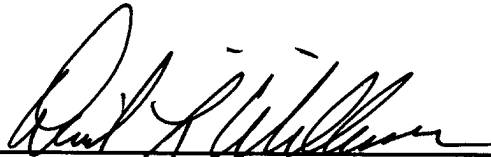
4 (13) Any person who commits a criminal homicide or an assault against an officer
5 enforcing the provisions of this chapter, KRS Chapter 235, or the administrative
6 regulations issued thereunder shall be subject to the penalties specified for the
7 offense under KRS Chapter 507 or 508, as appropriate.

8 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a
9 violation of KRS 150.710. A subsequent conviction shall be a Class A
10 misdemeanor.

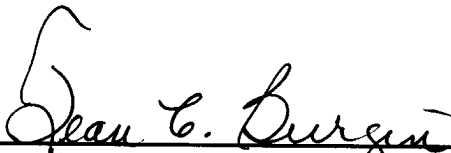
11 (15) Any person who violates the provisions of KRS 150.092 or the administrative
12 regulations promulgated thereunder for which no other penalty is specified
13 elsewhere in this section shall for the first offense be fined not less than one
14 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second
15 offense, be fined not less than three hundred dollars (\$300) nor more than one
16 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license, or if
17 license-exempt, the privilege to perform the acts authorized by the license, for one
18 (1) year and shall be fined not less than one thousand dollars (\$1,000) or be
19 imprisoned in the county jail for up to one (1) year, or both. In addition to the
20 penalties prescribed in this subsection, the violator shall be liable to the landowner
21 or tenant for the replacement cost of any property which was damaged or destroyed
22 by his actions. Damages assessed under this subsection shall be ordered to be paid
23 directly to the landowner or the tenant. The court shall not direct that the damages
24 be paid through the circuit clerk.



Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 4/21/06